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Alexandria, VA 22314

In re Application of:	:	
MATTHIJSSE, Pieter, et al., et al.	:	COMMUNICATION REGARDING
U.S. Application No.: 10/509,684	:	SECOND SUBMISSION UNDER
PCT No.: PCT/NL03/00261	:	37 CFR 1.42
International Filing Date: 07 April 2003	:	
Priority Date: 10 April 2002	:	
Attorney's Docket No.: 260119US6PCT	:	
For: METHOD AND DEVICE FOR	:	
MANUFACTURING OPTICAL	:	
PREFORMS, AS WELL AS THE	:	
OPTICAL FIBRES OBTAINED	:	
THEREWITH	:	

In a Communication mailed by this Office on 28 October 2005, the declaration filed on 18 August 2005 was dismissed for failure to satisfy the requirements of 37 CFR 1.42 and 1.497. Specifically, the Communication noted that the declaration was not executed on behalf of the deceased inventor by his legal representative and it did not include all the information required by 37 CFR 1.497. The Communication required applicants to submit "an oath or declaration executed on behalf of the deceased inventor in compliance with 37 CFR 1.42 and including all the information required under 37 CFR 1.497 (including the citizenship, mailing address and residence information for **both** the deceased inventor and the legal representative, as discussed above)."

On 28 December 2005, applicants filed a response to the previous Communication, treated herein as a second submission under 37 CFR 1.42 and 1.497. The submission included a copy of a declaration executed on behalf of the deceased inventor by a "Ms. Jansen," identified on the declaration as the "heir" of the deceased inventor. The submission also includes a letter that is described as "confirming that Mr. Henrikus Lambertus Maria JANSEN has no legal representative and that the heir listed on the declaration is Mr. Jansen's only heirs."

The declaration filed on 28 December 2005 does not satisfy the requirements of 37 CFR 1.42 and 1.497, as discussed in the previous decision. Specifically, the declaration fails to adequately identify the person executing the declaration on behalf of the deceased inventor ("Ms. Jansen" is not adequate identification of the heir; the heir's first name must also be listed; see 37 CFR 1.63(a)(2); 35 U.S.C. 117). In addition, the declaration does not provide separate citizenship information for the deceased inventor and the heir, and it is not clear whether the address and residence information on the declaration is for the heir, as required, or the deceased

inventor (the signature box used by the legal representative lists one set of information, but it is not clear if this information is for the deceased inventor or the legal representative).

Finally, while the letter provided indicates that the person executing the declaration is the "widow and heir" of the deceased inventor, it does not expressly indicate that she is the sole heir of the deceased inventor, as required.

Because the declaration does not include all the information required by 37 CFR 1.42 and 1.497(b)(2), the declaration cannot be accepted under 37 CFR 1.42 and 37 CFR 1.497.

The declaration filed on 28 December 2005 under 37 CFR 1.42 is **REJECTED** without prejudice.

Applicant have **TWO (2) MONTHS** from the mail date this communication to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised declaration executed on behalf of the deceased inventor containing all the information required under 37 CFR 1.42 and 1.497, including, as discussed above, the full name, citizenship, residence, and mailing address of the legal representative (or all heirs, if appropriate), the citizenship of the deceased inventor, a statement of the relationship of the person signing to the deceased inventor (i.e., "[First name] JANSEN, sole heir of deceased inventor Henrikus Lambertus Maria JANSEN"), and all other information and statements required by 37 CFR 1.497 (for example, the name of all other inventors, etc.).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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